

ASSOCIATION OF CONNECTICUT LOBBYISTS

HARTFORD, CONNECTICUT 06106

TO: MEMBERS OF THE GOVERNMENT
ADMINISTRATION & ELECTIONS COMMITTEE

FROM: ANITA SCHEPKER, PRESIDENT

DATE: FEBRUARY 2, 2009

RE: Raised House Bill 6298: An Act Concerning Certain Revisions to the
State Code of Ethics

The Association of Connecticut Lobbyists (ACL) has 148 lobbyist members who represent not-for-profit human service providers, labor unions, corporations, local businesses, environmental groups, news organizations, trade associations and healthcare providers.

We are providing the following comments for Raised House Bill 6298:

- **Section 2 of House Bill 6298:** The ACL respectfully opposes the expansion of the reporting requirement under Section 1-96 to "all state employees." The current law requires the tracking and reporting of certain expenditures for the benefit of a "*public official in the legislative or executive branch or the staff or immediate family of such official.*" A "*public official*" is defined under Section 1-91 (p) to be: "any state-wide elected state officer, any member or member-elect of the General Assembly, any person appointed to any office of the legislative, judicial or executive branch of state government by the Governor, with or without the advice and consent of the General Assembly and any person appointed or elected by the General Assembly or any member of either house thereof; but shall not include a member of an advisory board or a senator or representative in Congress."

We respectfully contend that the current law appropriately regulates expenditures by lobbyists for the benefit of *public officials* and their staffs and immediate families. This is because lobbyists do have, or could have, business relationships with public officials. However, lobbyists generally do not have business relationships with "all state employees." Many lobbyists have close friends and family members who are state employees—who are not public officials and with whom we have no business relationships—and accordingly we think that is unnecessary to impose a new law applying to all state employees. In addition, we are not aware of any existing problem between lobbyists and state employees who are not *public officials*.

- **Sections 5, 6 and 7 of House Bill 6298:** The ACL appreciates the Office of State Ethics' (OSE) recognition that the current \$2,000 lobbying expenditure threshold may need to be updated and increased to \$3,000, and we have discussed this proposal with OSE officials. We have also informed OSE officials, as well as certain members of the GA & E Committee, regarding the need to update and clarify the existing law relating to the question of who should be tracking his/her time for the purpose of reporting and to the OSE. It's certainly possible that this Bill, HB 6298, could be the appropriate vehicle to address the issue.

During the past few months, there has been significant discussion among OSE Officials, members of the lobbying community and members of the public regarding who should be considered a "lobbyist" for Ethics registration and reporting requirements. Frankly, we believe that everyone would agree that the current law is confusing and does not provide a clear, bright-line test. Specifically, there is text within the current text of the statutes that could be interpreted to mean that a person could be considered a lobbyist if lobbying is "incidental to" such person's employment. We believe that the term "incidental to" is subject to different definitions and interpretations, and therefore should be deleted in lieu of a more clear standard. Our Association believes that: (1) if a person is being specifically paid to lobby, or (2) if lobbying is within the normal scope of that person's regular employment, then that person should be considered a lobbyist; but on the other hand, if a person is not being specifically paid to lobby and/or lobbying is not within the normal scope of the person's job responsibilities; and the person is simply exercising his/her constitutional right to petition the government, then that person is not a lobbyist and should not be required to register with and/or report to the Office of State Ethics. Accordingly, we would like the opportunity to work with members of the GA & E Committee and the OSE to devise a statutory standard that is clearer as to the question of who is and who is not a lobbyist.

Thank you very much for your consideration of our comments on House Bill 6298.